

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.
ANTITRUST LITIGATION.

MDL Docket No. 1332

Hon. J. Frederick Motz

This Document relates to:
Be Incorporated v. Microsoft Corp.

Civil Action No. C-02-0837
(N.D. Cal.)

Civil Action No. 1:02CV02738

STIPULATION AND ORDER

DISMISSING ACTION WITH PREJUDICE

I. STIPULATION

Plaintiff Be Incorporated ("Be") and defendant Microsoft Corporation hereby stipulate to the dismissal with prejudice of Be's complaint in the above-captioned action, as provided for by a settlement agreement between them. Each party will bear its own costs and expenses.

DATED this 9th day of September, 2003.

SUSMAN GODFREY

By



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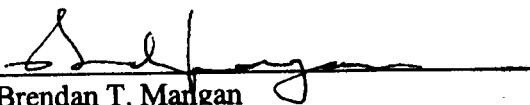
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II. ORDER

Based upon the above Stipulation, Be's complaint in the above-captioned civil action is hereby
DISMISSED WITH PREJUDICE. The parties shall bear their own costs and expenses.

DATED this 1st day of Sept, 2003.


HON. J. FREDERICK MOTZ